LAND USE PLANNING CONTROLS

Prepared by
The Butler Group (Consultants) Inc.
1990

GREATER TORONTO AREA GREENLANDS STRATEGY

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A Background Paper
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The Greater Toronto Area Greenlands Strategy
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RECYCLED PAPER

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1.0 INTRODUCTION

This report is one of a series of background reports being prepared as input into the Greater Toronto Greenlands Strategy. This initiative was announced on October 17, 1989, when Premier David Peterson appointed Ron Kanter, M.P.P. for St. Andrews - St. Patrick to head the Strategy. The strategy is to make recommendations in three key areas pertaining to:

- identification of a regional greenspace system;
- development of various control mechanisms to protect greenlands and measures to enhance them; and,
- institutional arrangements to most effectively assist in the implementation of the strategy.

For the purposes of our review, greenlands will include:

- greenspace corridors and related outdoor recreation (example hiking, biking, walking, cross country skiing trails);
- significant natural, cultural, and archaeological areas; and,
- natural processes/functions performed by greenlands (example recharge/discharge).

Although the ultimate Greenlands System will include numerous types of natural features, the prominent components of the Greater Toronto Area include:

- the major river valleys;
- the Niagara Escarpment;
- the Oak Ridges Moraine;
- the Lake Simcoe shoreline.

The Lake Ontario waterfront has not been included in this study as it presently is being reviewed by the Crombie Royal Commission.

The purpose of this specific study is to examine the various land use planning controls that could be used to assist in protecting and preserving the Greenlands System. All of the planning tools currently available under The Planning Act will be examined in detail.

Specific attention will be focused on existing Regional and local Official Plans, and whether or not there is generally adequate protection within these documents. In addition, the future role of the Province itself will be assessed, and in particular, an analysis of various alternative planning options that are available.

Due to the limited time frame, this study will provide an overview of the various municipal planning controls that can be utilized. It is not, however, an exhaustive study of past and present government actions (local, regional, Provincial). Further study may be required to address the feasibility of specific initiatives.

It is intended that the results of this study will provide information to the Greenlands Study in conjunction with three other parallel studies that are on-going. Together, it is anticipated that the Greenlands Strategy will be completed by June 1990.

2.0 IDENTIFICATION AND DEFINITION OF GREENLANDS

From our experience, there are various types of greenlands that exist throughout the Greater Toronto Area. At a micro scale, it includes all forms of neighbourhood and community parks that have developed as urbanization has occurred. All of these types of facilities are in public ownership. Other examples would include golf courses (both private and public) and other forms of recreational areas that are either passive or active and form part of the man-made environment.

At a macro scale, there are many examples of regional open space systems or regional scale facilities that are primarily in their natural state and present a significant break in the urbanizing areas. These include major river/creek valleys such as the Bronte, Credit, Humber, Rouge, and Bowmanville. It also includes undeveloped areas which are governed by the Parkway Belt West Plan, and conservation areas maintained by the various conservation authorities (Credit Valley, Metropolitan Toronto and Region, Halton Region, South Lake Simcoe, Central Lake Ontario). There is one Provincial Park (Bronte Creek) and various other Provincially-owned facilities. Most of the these lands have been brought into the public domain, or are so well-protected from urban development that they do not require acquisition.

The third category of greenlands is more difficult to define. Generally, we are referring to the largely rural (undeveloped) area north of the existing urbanized area of the Greater Toronto Area. This includes significant natural features such as the Niagara Escarpment and the Oak Ridges Moraine which can be defined, but also the rural landscape which is largely in agricultural or passive use. They are also important from an asethetic or visual point of view as the size of the urbanized area increases and the growing population demands more open space. We will be reviewing the various land use controls in the context of both the well-defined natural features as well as the rural area in general.

3.0 LAND USE PLANNING CONTROLS

The following section details several planning controls which may assist in the achievement of an overall land use policy for the protection and enhancement of greenlands in the Greater Toronto Area.

3.1 Official Plans

As defined in The Planning Act, "Official Plan" is a document approved by the Minister (of Municipal Affairs) containing objectives and policies established primarily to provide guidance for the physical development of a municipality ..... while having regard to relevant social, economic and environmental matters.

Increasingly, Official Plans also contain detailed implementation strategies needed to achieve the objectives of the Plan as well as the procedures for informing and securing the public's views with respect to amendments to the plan or enactment of zoning by-laws.

As a planning tool, particularly in urban and future growth areas, Official Plans are very useful in that they establish the long term structure and pattern of development for the area. Official Plans assign land use designations and establish policies which are based in part on and reflect Provincial goals and guidelines, resident expectations and/or needs, economic conditions, historical development and local/regional goals and objectives. In this way, Official Plans are able to guide public and private development.

Official Plans can take several approaches in achieving their goals although two forms prevail. The first seeks to identify a set of principles and guidelines which must be had regard for when considering development applications. This type of plan can provide significant latitude in its interpretation and is more likely to be found in a regional level plan, particularly where the local area municipalities have detailed and elaborate Official Plans.

An example of such a plan is the Draft Region of Peel Official Plan which takes this approach. In that proposed plan, reliance is placed on the Official Plans of the Cities of Mississauga and Brampton, and the Town of Caledon to establish the specific policies and criteria to attain regional goals.

An alternative to this type of Official Plan is one which establishes detailed locational and development policies for the various land use designations as well as for transportation and environmental controls, in addition to the statements of planning principles. Examples of these types of Plans include the City of Toronto Official Plan, the Regional Municipality of Halton Official Plan (certain designations) and the Official Plan for the Township of King.

The strength of an Official Plan to realize its goals primarily lies in The Planning Act requirement that all zoning by-laws, site plan control by-laws and subdivisions must be in conformity with the Official Plan. In some municipalities, however, the reverse occurs in that the Official Plan is amended to accommodate a particular proposal rather than the proposal being guided by the Official Plan.

A further strength of regional Official Plans is that all local area municipal plans must be in conformity. At the time of writing, however, two of the five regions within the G.T.A. did not have approved Official Plans in place.

With respect to the protection and preservation of greenlands, Official Plans can provide an effective framework for the achievement of this objective. Through prerequisite background studies, Official Plans are able to identify specific greenlands within their geographic boundaries and articulate the measures and procedures by which to achieve their objectives for their protection, enhancement and preservation. The Official Plan for the Region of Halton is an excellent example of an official plan which identifies, by name and geographical location, all environmentally sensitive areas (ESA) within the region. It also outlines the criteria which qualifies areas as ESAs.

Too often, however, Official Plans fail to achieve their maximum utility as measures to protect greenlands for a number of reasons, particularly when objectives extend beyond regional boundaries.

Although the preservation of greenlands is an objective common to many Official Plans, both at the regional (where they exist) and local levels, there is an apparent lack of consistency in terms of defining greenlands and the manner in which the subject is addressed and dealt with in each plan. As a result, the Region of Halton Plan, for instance, provides a level of detail which is totally lacking in a plan such as the Region of York Draft Plan or that of the Region of Peel.

Vague policies in regional plans tend to foster inconsistent interpretation and implementation strategies at the local planning level. The result may be that, although local plans are deemed to be in conformity with their regional counterparts, the response to a similar set of circumstances in two municipalities within a region, may often be different. Moreover, without clear direction, the regional objectives of the plan may become subordinate to matters of local priority.

The problem can be more acute when reliance is placed on Official Plans for the preservation of inter-regional natural features such as the Oak Ridges Morraine or the Lake Ontario Waterfront. In such cases, regional or even municipal priorities may override inter-regional objectives and a valuable natural feature may be lost, as the result.

To raise the level of effectiveness of Official Plans as tools which can be employed to preserve and protect greenlands and open space in a more consistent manner, guidance and direction is required from the Province.

With respect to Provincial initiatives respecting greenlands, it is significant to note that Official Plans are required to comply with and/or accommodate Provincial Policy Statements.

Official Plans are also necessary pre-conditions for municipalities wishing to take advantage of other land use controls provided for in The Planning Act such as increased density by-laws, site-plan control by-laws, demolition by-laws and parkland dedication requirements.

An important aspect of the Official Plan process is that it provides an effective mechanism for public comment and input during formulation and subsequent amendment.

3.2 Zoning By-Laws/Zoning Orders

The Planning Act (section 34) permits the council of a municipality to pass restricted area (zoning) by-laws which may prohibit the use of land, and the erection, location or use of buildings within a specified area.

Within the overall planning context of the Province the enactment of zoning by-laws is the means by which to implement the specific details of Official Plan policies and guidelines for land uses, built forms, densities, the location and timing of development and the phasing of Official Plan implementation. In the absence of implementing zoning, Official Plans are little more than a statement of municipal intent. In short, by-laws translate the goals and policies of an Official Plan into practical measures.

Zoning By-laws may do this not only by restricting the use of a building or land but by establishing regulations for these uses such as height, bulk, setbacks, coverage, open space requirements, floor area etc. By-laws may also be used to regulate the density at which development occurs and parking standards for various uses.

Given their broad range of application, zoning by-laws are useful instruments in the identification, protection and regulation of greenlands. Unlike Official Plans, which identify land use boundaries and natural features in a general manner, by-laws are able to specifically define areas for the purpose of regulating land uses and applying performance standards.

Boundary delineation, however, is usually undertaken by survey so that especially in rural areas, the costs of surveying could be excessive, particularly when attempting to define a geographically significant feature.

By-laws may be used to zone or to establish control zones around significant or environmentally sensitive natural features or watercourses within which uses may be prohibited or strictly controlled. Good examples of this in both urban and rural settings is the zoning of golf courses as either Public or Private Open Space Zones. In some urban municipalities (Etobicoke), privately owned lands which extend beyond the crests of river valleys have dual zoning, with the environmentally sensitive lands zoned Private Open Space and uses limited or prohibited.

By-laws may be used to establish minimum open space ratios, or minimum/maximum lot areas. The former measure is more likely to be employed in an urban setting to achieve private open space objectives, as on an apartment site, whereas the latter control (minimum lot area) is more likely to be employed in a rural environment in an effort to maintain low densities and rural character. For example, in the Township of King By-Law, the Residential Estate Zone establishes a minimum lot area requirement of 2 acres for single family detached dwellings.

By-laws may also be employed to downzone land in an effort to ensure its conservation or prior to acquisition by a public agency. The issue in this case is appropriate compensation for the landowner.

A major concern with by-laws is that they can be overly restrictive and inflexible thereby initiating lengthy and costly applications for amendment. Because zoning by-laws are required to be in conformity with the Official Plan, an amendment to that document may also be required thereby lengthening the process. The committee of adjustment is an appropriate forum by which to obtain relief from the provisions of an overly restrictive by-law provided the nature of the variances is minor.

Concern has been expressed that Committee of Adjustment variances are capable of undermining the principles of Official Plan policies over the course of time because the cumulative effects of granting individual variances are not fully appreciated at the time they are granted. For example, a variance may be granted to permit an industrial use to expand beyond a previously established building envelope, and into an area reserved for protection or passive use. The granting of a number of similar variances could significantly alter the character of the area/feature. Further discussion of this point is found in Chapter 4.0.

Under the provisions of Section 46 of The Planning Act, the Minister may, by Order, exercise any of the powers conferred upon council by section 34 with respect to zoning. A Minister's Zoning Order, may supercede municipal by-laws enacted under sections 34 and 37 and, where a conflict occurs the Order would prevail to the extent of the conflict.

Unlike municipal by-laws, Zoning Orders require no prior notification to the public although the Minister is required to give notice of the order within 30 days of making it.

The Order is made by Executive Order-in-Council and is usually published as a regulation under The Planning Act.

Zoning Orders have traditionally been employed in unorganized planning areas, mostly in Northern Ontario where there is neither the staff or resources to undertake and administer zoning by-laws.

A Zoning Order can be effective in instances where immediate action is required on a land use matter. For example, introducing a Minister's Zoning Order to an environmentally significant area such as the Oak Ridges Morraine whose geographical boundary overlaps a number of municipal jurisdictions, may be deemed desireable. To date, a Minister's Zoning Order has only been applied once in the Greater Toronto Area, at Harbourfront.

A criticism of Zoning Orders is that the public has none of the procedural safeguards inherent in municipally enacted by-laws. Zoning Orders may be viewed as the imposition of Provincial wishes without due public input. The pros and cons of utilizing a Minister's Zoning Order are further discussed in Chapter 5.3.

3.3 Plan of Subdivision/Severance Approvals

The subdividing of land by single lot severance or multi lot plan of subdivision is the primary means by which development parcels are created. The subdivision of land on the basis of Official Plan designation, also affects the ultimate supply of residential, commercial and industrial development parcels.

Under section 51 of The Planning Act, individuals are not permitted to subdivide land for the purpose of sale unless draft plan of subdivision approval has been granted. This approval power rests with the Minister unless it has otherwise been delegated to Regional Governments.

The Planning Act, in particular, section 50(4), sets out matters which must be regarded in considering a draft plan of subdivision. Among these is the determination of whether the plan conforms to the Official Plan and adjacent subdivision plans, and the effect the proposed subdivision will have on matters of Provincial Interest. With respect to matters of Provincial Interest, these are broadly established in section 2 of The Planning Act and include such matters as the protection of the natural environment, the protection of features of significant natural interest and the preservation of the Province's agricultural base.

The power to approve draft plans of subdivision can be an important planning control for use in protecting and acquiring greenlands.

Control over the layout of the subdivision plan and the imposition of conditions can ensure that local and Provincial objectives with respect to the protection of greenlands are addressed.

For example, lotting and road patterns can be modified to address the protection of environmentally sensitive features which are found on or traverse the plan of subdivision such as a stream or woodlot.

In addition, as a condition to subdivision approval, parkland dedication or cash-in-lieu thereof may be required at a rate not exceeding 2% for commercial and industrial subdivisions and 5% in all other cases. To date, there is inconsistency among municipalities in terms of the type of land that is acceptable for parkland dedication. Some accept 'hazard lands', others do not. Consideration could be given to standardizing what is acceptable and to possibly increasing the percentage required under different circumstances.

As a further condition to subdivision approval, provision is made in the Act for the entering into of agreements which may be registered on title. The agreement may, for example, acknowledge the presence of a woodlot on a portion of the subdivision and provide for its protection in perpetuity.

In summary, subdivision approval has the potential to be a strong and effective control for the identification and protection of greenlands because it brings into effect numerous other planning mechanisims which may also be used in the achievement of this objective. These would include, provincial policy statements, Official Plans, zoning by-laws, development control and good planning practices.

In the final analysis, however, the usefulness of subdivision control is determined to a large extent by the priorities of local municipalities.

Another means of achieving land severance is through applications to Land Division Committees. While there is no set rule, land division committees usually deal with applications involving no more than three or four lots.

As with variances, concern has been raised that the granting of individual severances over an extended period of time may, in a particular area, undermine Provincial and local policies respecting such things as the protection of greenlands.

Most regional plans acknowledge this and stress the need for close monitoring of land division committee decisions.

The high value of land in the Greater Toronto Area will continue to be the source of pressure for increasing numbers of applications for severance. A clear provincial directive may be required in dealing with such applications which may involve the loss of greenlands.

3.4 Site Plan Control By-Laws

Section 40 of The Planning Act allows council to designate areas of site plan control where it has been provided for in the Official Plan. Site plan control may be applied to area(s) of a municipality or to land use designations or to both.

Once an area or land use has been designated as being under site plan control, no development may take place without council approval of certain plans or drawings as stipulated in The Planning Act.

Generally, site plan control is not applied to single family residential uses or where an area is being developed by means of subdivision. Notwithstanding the foregoing, however, portions of plans of subdivision or single family dwellings located adjacent to or in close proximity to hazard lands, environmentally sensitive areas, lakes, rivers etc., may be placed under site plan control.

The Planning Act also allows council to impose conditions to site plan approval which may require the owner of land to provide to the satisfaction of and at no expense to the municipality a series of items.

These include the following: road widenings; landscaping or the protection of adjoining lands; easements; grading or alterations in elevation or contour of land; the provision for the disposal of storm, surface and waste water; and, the siting of buildings.

To ensure compliance with council's conditions, the Act allows the municipality to require the owner to enter into agreements which may be registered against the title of the land.

In addition, through the site plan control approval exercise, the municipality is able to apply section 41 of The Planning Act which allows council to require the conveyance of land or cash-in-lieu of land for park purposes as a condition of development or redevelopment.

Up to a maximum of 5% of the land may be required for residential development/redevelopment and 2% of the land for commercial and industrial development/redevelopment or cash-in-lieu of land. An alternative requirement would permit dedication for residential development at a maximum rate of 1 Ha. per 300 residential units or cash-in-lieu of such dedication.

Site plan control can be used effectively to control development adjacent to hazard lands, environmentally sensitive areas, lakes, rivers or where proposed development can have a negative impact on surrounding uses.

For example, careful building siting, in combination with landscaping and grading can reduce the visual impact of a proposed building when viewed from a valley, thereby protecting the wilderness setting. Similarly, site plan control may be used to site a building and grade the land in such a manner as to minimize physical disruption to an adjacent marshland or other natural feature.

Site plan control is also an effective means by which a council is able to monitor and review applications in areas of predetermined public concern when a proposal would otherwise comply with zoning by-laws and Official Plans.

It allows detailed review of plans at an advanced stage of the development process where impact on adjacent lands can best be ascertained and problems rectified. This strength, however, is also one of its failings because by this stage development of the land has already been predetermined.

Site plan control can be viewed as a parrallel tool to subdivision control because when employed in combination with Official Plans, zoning by-laws and other planning tools, it can be effectively employed to safeguard greenlands.

3.5 Interim Control By-Laws

Under Section 37 of The Planning Act, councils may pass 'interim control by-laws' in order to permit a review or study of land use planning policies for the area(s) in question.

The interim control by-law may prohibit the use of land, buildings or structures for or except for the purposes set out in the by-law. There is no provision for the introduction of performance standards within interim control by-laws.

The by-law may remain in effect for a period of up to one year. An amendment to the by-law may be passed to extend the period during which it will be in effect provided the total time period does not exceed two years. Once the interim control by-law ceases to be in effect, a municipality may not enact a further interim control by-law for the area for a period of three years.

One advantage of interim control by-laws is that they do not require notice of passage until after the fact and come into force and effect immediately upon passage by council. In this respect, they are similar to a Minister's Zoning Order.

Interim control by-laws should be used with discretion and only in those instances where unanticipated development pressures threaten to jeopardize the continued viability of a unique resource or the long range goals/objectives of a government body or where a study to determine appropriate land uses and standards is required prior to allowing development or redevelopment.

A disadvantage is that no other interim control by-laws may be enacted for the same area for a period of three years.

As a measure for the protection of greenlands, the significance of interim control by-laws is that they afford the time to undertake a proper land use study of the area in question.

3.6 Increased Density By-laws (Bonus Zoning)/Density Transfers

Increased density by-laws (section 36 Planning Act) are by laws passed under section 34 of The Planning Act which authorize increases in the height and density of developments otherwise permitted in exchange for public facilities or services. As with Holding By-laws, a prerequisite to the enactment of "bonus zoning" by-laws is that the Municipality has an Official Plan that contains provisions relating to the manner in which the increases in height and density may be permitted.

Generally, the services or facilities would be identified in the by-law and provision would be made for the owner to enter into agreement(s) pertaining to these matters.

The use of increased density by-laws is more prevalent in developed urban centres where the increases in height or density will not normally be incompatible with surrounding uses but where a needed public service or benefit can be achieved at little or no economic expense to the municipality.

In outlying rural areas other planning mechanisims may be better suited to achieving the goals of protecting greenlands with less impact than increased density by-laws would have. Nevertheless, in certain circumstances, particularly where development rights have already been assigned to a parcel of land which contains a resource such as a woodlot, consideration could be given to allowing higher density in exchange for the preservation of the feature.

With respect to density transfers (transferable development rights), the fundamental concept is the separation of development rights from land ownership. Once separation of these rights is established, the sale or transfer of one or both may occur.

Where such mechanisms are permitted, the municipal council should clearly establish under what circumstances such transfers may occur and identify both potential 'donor' sites and 'receiver' sites.

This approach to planning may be particularly useful in rural communities or outlying areas where density has already been assigned to an area which has subsequently been identified as worthy of protection/preservation or is incapable of accommodating the density assigned. The employment of this technique affords the owners of such lands due compensation without significant expenditure of public funds. At the present time, this situation is not prevalent in rural areas where density is not normally assigned to marginal or hazardous areas or to agricultural zones.

In the future, however, this technique might prove useful as a means of retaining agricultural land in its present state. In the meantime, this technique is of greater use in fully developed areas where the transfer of development rights would unencumber lands for the purpose of creating a publicly useable space.

A problem with density transfers is that they can become an administrative burden. The value of the rights must be assessed and records kept of the actual transfers which have taken place. As a result their use has been limited.

A measure which may be usefully applied in conjunction with the transfer of development rights would be 'conservation easements.'

Although there is no specific power in The Planning Act regarding transferable development rights, Canadian land use planners have used the Official Plan to implement density transfer provisions and section 36 by-laws (increased density) to implement the strategy.

The City of Toronto Official Plan and the City of Etobicoke Motel Strip Secondary Plan permit density transfers as of right in certain circumstances.

3.7 Holding Zones

Holding Zones, under section 35 of The Planning Act, enable Councils to specify the use to which lands, buildings or structures may be put at some future date as the "holding" symbol is removed by amendment to the by-law. Holding by-laws may only be enacted if the municipality has an Official Plan in effect that contains provisions relating to the use of the 'H' symbol.

Holding zones may be used to either freeze or halt development until certain preconditions have been met; for example, availability of services, completion of a prior phase of development, or comprehensive zoning for the site has been adopted.

With respect to greenlands, for example, the use of Holding Zones could serve to prohibit development otherwise permitted until an environmental impact analysis has been completed or a study of wildlife habitat has been undertaken.

Holding by laws are, in some instances, employed as a form of development control in that the lands may be generally zoned to permit a certain use but the 'H' will not be lifted until a detailed site plan has been prepared and reviewed and a by-law tailor made to suit the site is prepared to replace the holding by-law.

This is a good land use control which can serve both the interests of a landowner (zoning the land) while ensuring that the public interest is not compromised by making sure that development does not take place until certain issues have been addressed.

3.8 Dual Zoning of a Single Property

With respect to the preservation/protection of greenlands, dual zoning implies two separate zoning categories applying to a particular site or tract of land. For example, in an estate subdivision where a number of lots extend to the top of a valley bank (or beyond), the front portion of these lots, which accommodate the dwelling and the active outdoor living space (patio/pool), could have a residential zoning whereas the rear portion could be zoned private open space. In this way, the rear portion of the site is preserved in a more or less natural state without acquisition and costly maintenance by a public agency.

Dual zoning could also be applied to large tracts of land which are currently part cultivated and part forest. The cultivated portion could be zoned for agricultural purposes whereas the wooded area for some other purpose. The application of dual zoning, in this instance, could result in the downzoning of the wooded area and raises the issue of appropriate compensation.

Dual zoning is one of a number of applications to which zoning by-laws may be put to address a specific situation. Once again the costs of surveying the zone boundary may be a drawback.

3.9 Front, Rear, Side Yard Controls/ Development Envelopes

In the case of development envelopes, a thorough knowledge of the land involved is needed prior to establishing a development envelope so that only those portions of the site which may be most affected or are most likely to affect adjacent lands are excluded from the envelope.

A more simplistic approach would be to establish fixed setbacks or control zones around greenlands slated for protection/preservation. For example, establishing a minimum setback of 30 m. from the top of bank within which no development will be allowed facilitates implementation.

These planning controls may be established through the enactment of zoning by-laws which establish specific setbacks from selected features; through Official Plans, which may specify the extent of control zones; or, through development control, where the establishment of a building envelope or the siting of a building may be more discretionary.

In areas with assigned development potential, this approach might best be employed in conjunction with other planning controls such as density transfers or allowing density coverage over the non-developable portions of properties.

This is an effective means of establishing natural buffers and thus protecting greenlands, particularly river valleys, marshes and waterfronts because the setback limit or building envelope would be made to correspond to the minimum distance needed to minimize negative impact. The application of this method presupposes that the lands in question already have development potential which could be incompatible with the adjacent greenland.

In the absence of clear guidelines, the granting of Committee of Adjustment variances which permit the expansion of a building envelope or encroachment of a non-compatible use into a control zone, could undermine the usefulness of these measures in their ability to protect greenlands.

3.10 Use of Density coverage for non-developable portion of Properties

This technique involves allowing a property owner to utilize the entire area of a site, including areas otherwise not considered developable, for the purpose of establishing the development potential of the site.

Actual development would occur only on the developable portion of the lands.

Within the context of this review, the application of this tool could serve as an incentive to a propery owner contemplating the development of a site where it is desireable for a portion of the site to be left undeveloped and in private ownership. Alternatively, this technique could be employed as a means by which to transfer lands into public ownership over and above what would be permitted through parkland dedications.

The main drawback of this technique is that development is concentrated on that portion of the site which is considered developable. Nevertheless, under certain circumstances, this is considered a fair and reasonable trade-off for the preservation of a greenland feature.

3.11 Cluster Housing

Cluster housing is a form of rural residential development which affords an opportunity of satisfying some of the demand for new residential development in rural settings, without the attendant erosion of the natural environment. As a means of protecting open space, vistas and character, cluster housing is considered effective and desireable.

A further appeal of cluster housing is that prospective residents are offered an alternative to "estate subdivisions" while the development retains the essential character and rural flavour of the area.

This form of residential development differs from 'estate subdivisions' in that, although the amount of raw land involved may be the same, the housing is clustered in a village or neighbourhood pattern, rather than being distributed throughout the entire land parcel.

The result is that a portion of the site remains in its natural state in perpetuity, even though ownership would continue to be private. Through legally binding agreements, the upkeep and maintenance of the 'open space' area, would be the responsibility of the homeowners.

From a cost and servicing perspective, cluster housing can be more efficient than conventional estate subdivisions, since local roads may be shorter and the cost of providing services such as snow removal, fire protection and paving less. Clustering could also permit the introduction of joint septic systems shared by several households. This, of course, would be subject to the approval of the local health units.

A variation of this form of 'cluster housing' involves allowing a limited number of dwellings at the edge of villages or in clusters at the intersection of major rural roads.

One concern with this form of housing is how to lock in the open space so there is no future development. The use of 'conservation easements' or rezoning of the open space, are two methods by which this concern may be minimized. An alternative would be to require that the undeveloped portion of the site be turned over to a public agency. Clearly, this is a more expensive alternative, as on-going maintenance then becomes an issue.

Another concern is that without appropriate controls, particularly on numbers and building siting, the desired effect could be lost.

Most Official Plans are not equiped to accommodate the type of cluster housing discussed. Policies for suburban residential development often place an emphasis on minimum lot sizes that would run counter to the achievement of this form of housing. Provincial direction could be of assistance in changing this situation.

3.12 Summary

Most of the planning controls discussed are capable of being used individually or in combination to protect greenlands. There is no single planning tool, however, that is seen as providing all the answers.

The strengths of each must be assessed against the particular circumstances to which they are intended to apply.

Although traditionally these controls have not been used specifically for the protection of greenlands, there is merit in doing so since simple faith in land preservation is incapable of working by itself.

To date, these tools have not been as effective as they could be in terms of greenlands preservation. This is largely due to the inconsistent application of Official Plan policies which, in part, stems from a lack of uniform definition of what greenlands are, a focussed strategy to deal with the issue, and lack of direction from the Province in terms of its interest in this matter.

Certain controls such as density transfers, increased density by-laws and dual zoning by-laws are more suited to urban areas where circumstances may warrant their employment.

Other controls such as subdivision approvals, site plan control and site specific zoning by-laws may have more practical application in less intensively developed areas.

The protection of natural features such as the Oak Ridges Morraine whose geographical limits are more than regional in scope suggest the need for Provincial direction to help focus Regional and Municipal attention to their protection.

4.0 ROLE OF COMMITTEE OF ADJUSTMENT/LAND DIVISION COMMITTEE

From our experience, implementation of Official Plans and zoning by-laws with respect to the protection of greenlands is a very critical phase in the approval process. Committees of Adjustment and Land Division Committees play an important role in this regard. These Committees are generally appointed by municipal councils and have their legislative base under The Ontario Planning Act. They have broad powers in approving minor variances to zoning by-laws or dividing land into separate parcels.

The key issue with respect to this jurisdiction is that these Committees can potentially undermine the protection of greenlands by making decisions on an ad hoc or piece-meal basis. For example, a single land severance may be approved in an area that has been identified as greenland which may meet all of the tests under Section 50(4) of The Planning Act. On its own the creation of a new lot may not have an adverse impact on the protection of greenlands, but in combination with many other severance approvals, an area can be gradually undermined. The cumulative impact of many new lots and new houses in a natural area may eventually lead to a loss of the greenland.

Even though a municipality may have a restrictive severance policy in its Official Plan, and restrictive zoning, there is the theoretical potential that a Committee has the legal authority to modify their implementation through improper decisions. It is very important, therefore, that Committees of Adjustment and Land Division Committees be monitored if an overall greenland strategy is to be successful. Further, these Committees would be better assisted if they received continuous professional planning advice prior to making their decisions. An alternative consideration may be that for defined greenland areas, any change or modification in land use would require an Official Plan Amendment and rezoning with full opportunity for public review and input. Finally, certain Land Division Committees such as the Region of Peel and Region of York are not guided by approved Regional Official Plans.

5.0 POTENTIAL PROVINCIAL INITIATIVES

This section examines the pros and cons of increasing Provincial involvement in the protection of greenlands in the Greater Toronto Area. Under The Planning Act, there are various actions which the Province could take. These actions range from a very limited role to a very "hands on" role.

5.1 Expression of Provincial Interest

Section 2 of The Planning Act provides that the Minister in carrying out his responsibilities under the Act will have regard to matters of provincial interest such as the protection of the natural environment as well as many other matters.

This statement can be interpretated to mean that the Minister must take the protection of the natural environment into account as part of his various other approval powers. Obviously this is a general statement and the degree to which the Minister acts to protect the natural environment depends on the actual implementation. The words "have regard to" are broad enough that a wide range of actions by the Minister could all be argued to meet this test. Presumably, the Minister could refuse to approve a regional or local Official Plan (amendment) if he found that it did not protect the natural environment

Under Section 17 (19) of The Planning Act, if an Official Plan is referred to the Ontario Municipal Board, and the Minister is of the opinion that it is a matter of Provincial interest, than the Minister can declare all or part of the Plan to be a matter of Provincial interest. In this case, the Ontario Municipal Board's decision is not final and binding until the Provincial Cabinet approves the decision. There have been very few cases where this has happened in the past.

This is an option that has some merit. In conjunction with other Provincial initiatives, the Minister could use this power to intervene where it was deemed that a proposed regional or local municipal Official Plan or private referral did not protect part of the natural environment as identified by the Greenlands Strategy.

A declaration of Provincial interest would mean in a practical sense that the Provincial Cabinet would ultimately determine whether or not a proposed Official Plan conformed with an adopted Greenlands Strategy. This extraordinary power could be used where a municipality or private land owner did not co-operate in protecting the natural environment. The Minister would have discretion as to when it was deemed important enough to use.

The downside of this control is that it is still subject to interpretation and implementation on an ad hoc basis. Municipal councils or interest groups could attempt to have the Minister invoke such a control on virtually any application. Further, if there were a great deal of declarations, then the Provincial Cabinet would have an increased work load and would have to in effect continuously review Ontario Municipal Board decisions. The appeal provision on normal planning matters to Cabinet was taken out of The Planning Act in 1983 for precisely this reason.

It would appear that the use of this action would be best suited in conjunction with other Provincial initiatives that are discussed in this chapter. It could be used for example to prevent the development or loss of identified greenlands while studies were being conducted to provide greater protection for these greenlands in regional and local Official Plans.

5.2 Provincial Policy Statements

Under Section 3 of The Planning Act, the Minister may issue policy statements that have been approved by the Lieutenant Governor in Council on matters relating to municipal planning that in the opinion of the Minister are of provincial interest. Policy statements prepared to date have generally been formulated by Provincial staff and circulated for public comment and debate. Currently, there are three formal policy statements that are approved and these include: Floodplains, Housing, and Mineral Aggregates.

Policy statements on Agriculture and Wetlands are moving closer to approval. All of these policy statements apply across the entire Province. There have been no geographically-based policy statements approved.

Policy statements are intended to be broad statements of Provincial policy with respect to a specific issue. They have similar language to that found in Official Plans. Although the Province may implement a policy statement through specific programs, it generally relies on implementation through the normal land use planning process and through the actions of regional and local councils.

The main purpose of a Provincial Policy Statement is that it clearly sets out the governments' position on complicated land use issues. This provides guidance to regional and local municipalities who must prepare Official Plans and have direct responsibility under The Planning Act for land use control.

A policy statement can provide a broad framework within which there is still flexibility for local decision-making and implementation. For example, the Floodplain Policy provides for protection of flood vulnerable areas, yet still allows local municipalities some choice in approach depending on local conditions and circumstances. The overall Provincial objective of reducing potential loss of life and property damage is achieved.

A policy statement can provide co-ordination over large geographic areas where there may be numerous conflicting government objectives as well as private sector objectives. Within the context of the Greater Toronto Area and this study, it is clear that major decisions must be made on which areas are allowed to develop, where servicing will be provided, where new roads and transit systems will be built, where garbage will be disposed, and where greenlands will be protected for the public-at-large. A policy statement could assist in answering these regional scale questions. Due to the number of municipalities in the Greater Toronto Area, and the fact, that it has become one large urban area, the time may be appropriate for this approach.

A policy statement on the protection of greenlands has considerable merit. Firstly, it could provide direction on a land use that is regional in scale and crosses municipal boundaries.

Secondly, due to the tremendous urban growth of the Greater Toronto Area, a policy statement could assist municipalities in preserving natural areas that are threatened by urban expansion. Thirdly, if a consistent approach is not taken, natural features such as the Oak Ridges Moraine may be in jeopardy of being slowly developed and eventually lost.

Although there have been no policy statements based on a specific geographic area of the Province, we believe that there is a sufficient rationale to support a Policy Statement for the Greenlands Strategy. This includes:

- the fact that the Greater Toronto Area is the largest and fastest urbanizing region in Canada;
- major decisions have to be made at a regional scale to avoid both the loss of unique natural areas as well as reducing potential pollution;
- this is a special case, and does not require a Provincial-wide statement at this time.

The only downside of a policy statement is with respect to the term "have regard to". This is a general phrase which can be interpreted in a number of ways from a very proactive position to very limited involvement. The actual wording of such a policy statement is very important, therefore, and requires the need to define more specifically what the Province wants people to do for greenlands. It also raises the potential need for an implementation guideline to accompany the policy statement.

5.2 Minister's Zoning Orders

Historically, Minister's Zoning Orders have been used generally in northern Ontario where municipalities are not organized and/or need assistance in regulating land use. Recently, however, a Minister's Zoning Order was used on the Harbourfront area of the City of Toronto to allow time for further study to prepare a strategy for the protection of the waterfront.

Zoning Orders can function differently depending on their purpose and time frame. For example, the Minister's Zoning Order for lands within the Parkway Belt functions as a traditional municipal zoning by-law. In this case, the Minister's Zoning Order replaces local zoning and the implementation of changes to the Order are the responsibility of the Province. This type of Zoning Order is intended to be long term.

A second type of Zoning Order is the recent Harbourfront Order. In this example the order functions more like an interim control by-law or holding by-law. The effect of this order is that no new development is permitted in the short term, and it allows time for additional studies to be conducted to potentially change the local Official Plan and zoning by-law. This type of Zoning Order is intended to be short term.

These Zoning Orders are administered by the staff of the Ministry of Municipal Affairs. If the Province was to institute a Zoning Order, particularly a long term type, additional staff may be required in order to implement the day to day administration of such an order. This may involve additional expense and additional bureaucracy.

On the positive side, however, Minister's Zoning Orders could be very effective at protecting greenlands. A zoning order can be brought into effect very quickly. It would allow time to complete detailed studies, and to implement other strategies such as preparing amendments to local and Regional Official Plans.

From our review of the identified greenlands, the only component which might benefit from the imposition of a Zoning Order is the Oak Ridges Moraine. The Niagara Escarpment is well-protected through the Provincial Plan. The major river valleys are well-protected through existing land use controls, previous acquisition by public agencies, and through the efforts of the various conservation authorities.

A Zoning Order on the Oak Ridges Moraine would provide for inter-regional discussion and review. It would also provide for a long term strategy to protect this major greenland in a more consistent and comprehensive manner.

5.3 Provincial Plan

In 1973, the Province passed The Ontario Planning and Development Act. This Act provided the legislative framework for the Province to prepare a Provincial Plan for two defined geographic areas including the Niagara Escarpment and The Parkway Belt West. Separate Acts were approved for each area to provide the enabling legislation to permit the preparation of Provincial Plans. After many years of study, public debate, and formal hearings, the Provincial cabinet approved both Plans. These Plans were legally binding on municipalities and all local and Regional Official Plans had to be amended to conform with them. The Provincial Plans, therefore, had the greatest status, represented approved government policy, and were in a format similar to normal Official Plans.

The Niagara Escarpment Plan is administered by an appointed body known as the Niagara Escarpment Commission. A conformity exercise is still on-going to bring local plans into conformity with the Plan. Without going into all of the specific duties of the Commission, it is fair to say that the implementation and regulation of the Plan is comprehensive and complex. For the most part, the protection of this major greenland has been accomplished.

The Parkway Belt West Plan is administered by the staff of the Ministry of Municipal Affairs. Upon adoption of this Plan, all existing Official Plans of local and Regional municipalities were amended forthwith to conform. The zoning by-laws of the local municipalities were also amended to conform with the Provincial Plan and zoning orders were approved. Various portions of the Greenlands System such as river valleys and natural areas are currently protected by this Plan. For the most part, however, the Parkway Belt West Plan is not a greenlands plan, but a utility corridor plan.

Both Provincial Plans can be amended, but there is a lengthy, costly, and complex procedure involved. Advisory committees, and notice are required as well as a formal hearing. Hearing officers appointed by the Province make recommendations only, and the Provincial Cabinet must approve any amendment. Under certain conditions, the Minister may deem a change in the Plan to be acceptable and approve it without the formal appeal process.

The Provincial Plans have both pros and cons. From a positive perspective, they are the ultimate statement in Provincial intent as they involve formal legislative action. The Plans are largely administered by Provincial staff, so that the upper level of government is in charge of the Plan. The Plans are difficult to amend once approved so that in terms of the protection of greenlands this is a long term positive approach. Local or regional councils cannot amend the Plan without Provincial consent.

From a negative perspective, it is clear that these types of plans are very costly both in terms of preparation and in terms of long term regulation and implementation. The Niagara Escarpment Plan took 10 years to be prepared and approved, while the Parkway Belt West Plan took 5 years. If the Province was to carry out a similar planning exercise for the remaining greenlands in the Greater Toronto Area, it would likely take even longer to complete given today's increased complexity and competing interests.

An entire bureaucracy would also have to set up to prepare and administer the plan. If a Provincial Plan was deemed appropriate for the Oak Ridges Moraine, the Province might investigate the feasibiltiy of extending the jurisdiction of the Niagara Escarpment Commission instead of setting up a completely brand new bureaucracy. Due to existing land use controls that are already in effect, however, there may not be as great a need for this type of Plan at this time.

5.4 Regional Municipal Open Space Plans

In terms of a hierarchy of plans, it is considered that the Regions are the best level of government to co-ordinate more detailed open space plans in the long term. If the Province adopts a Policy Statement for Greenlands in the Greater Toronto Area, then the regional and local municipalities can plan within that overall framework. The Regions due to their geographic size can co-ordinate the preparation of plans within their own jurisdiction including the local municipalities, and at the same time can co-ordinate amongst each other (that is, inter-regional). In this way, greenland systems such as the Oak Ridges Moraine which involves three Regions can be planned more comprehensively.

Once the Policy Statement is approved, the Province can in effect delegate much of the planning to the Regions. The Province would still maintain an active presence through specific initiatives as well as approving Regional Official Plan Amendments. Regions should also co-operate with the various conservation authorities to achieve mutual objectives.

The elements of this hierarchical strategy can be briefly summarized as follows:

1. Establishment of an overall Greenlands Strategy for the Greater Toronto Area by the Province.
2. Formulation of a Regional Greenlands Plan involving each Region, local municipalities, local conservation authorities, interest groups, and other agencies such as the Ministry of Natural Resources.

3. Each Regional Plan is fine-tuned from the overall strategy. Development of an implementation strategy (3-5 years), review of local Official Plans, and interaction with other regions on an inter-regional basis.

4. Local municipal plans implement components of Regional Plan and fine-tune within their jurisdiction.

6.0 CONCLUSIONS

Based on the detailed analysis contained within this report, the following represents a summary of conclusions of our findings and observations.

1. There are a myriad of land use controls available under The Planning Act which municipalities can use to regulate development and protect greenland. If properly applied, greenlands can be protected without the need for complete acquisition.

2. Within the Greater Toronto Area, there are 30 local municipalities. All of these municipalities have approved Official Plans in effect. The majority have policies addressing various aspects of the protection of greenlands.

3. Within the Greater Toronto Area, there are five regional municipalities. The Regions of Durham, Halton, and Metropolitan Toronto have approved Official Plans in effect. The Regions of Peel and York do not have approved Official Plans, but both have draft Plans being discussed. Both have policies of Council respecting various matters such as land severances.

4. The major physical components of the Greenlands System are identified and protected in various ways in the existing Official Plans. These range from general policies to very specific policies. It is considered that the Halton Region Official Plan is an excellent example of greenland protection.

5. Greater co-ordination is required to connect open space links, and to preserve greenlands in a more consistent manner. Both the Regions and the Province can play stronger roles in this regard.

6. A geographically based Provincial Policy Statement on Greenlands for the Greater Toronto Area is warranted, and its' feasibilty should be investigated further.

7. The Oak Ridges Moraine represents the largest natural component of the greenlands system which is not protected in a consistent comprehensive manner.

8. Generally, the major river valleys are well-protected, and for the most part the six Conservation Authorities which have jurisdiction have plans and/or fill, construction and alterations to waterways regulations in place.

9. The Niagara Escarpment is well-protected by the Niagara Escarpment Plan and through the actions of the Niagara Escarpment Commission.

10. Lake Simcoe is currently the subject of an exercise entitled the Lake Simcoe Environmental Management Strategy, a multi-agency effort aimed at reducing phosphorous loadings to that Lake. It includes an examination of land use practices as they may impact loadings.

11. Although not formally part of this study, the Lake Ontario waterfront is an important part of the Greenlands System. Decisions on a long term strategy for greenlands should integrate where possible with a long term strategy on the waterfront.

7.0 RECOMMENDATIONS

It is recommended that:

1. This report be received as input into the overall "Greenlands Strategy for the Greater Toronto Area".

2. That the Province give serious consideration to preparing a Provincial Policy Statement under Section 3 of The Planning Act for the Greater Toronto Area or alternatively utilizing Section 2 and declaring matters of Provincial Interest as required.

3. That there is merit in the Province investigating the feasibility of instituting a Ministers Zoning Order for the protection of the Oak Ridges Moraine.

4. That the land use planning controls discussed in this study be formulated into a Guidelines Report for distribution to municipalities within the Greater Toronto Area.

5. That the concept of clustering and/or other innovative land use techniques be further investigated by the Province.

6. That the concept of Regional Municipal Open Space Plans be further explored with the Regions, local municipalities, conservation authorities, and other interest groups.

LAND USE PLANNING IN THE OAK RIDGES MORAINE

General Overview:

The Oak Ridges Moraine, as defined on the map supplied by the Office of the Greater Toronto Area, traverses three regional municipalities, (Durham, York and Peel) and affects 14 municipalities within these regions. These municipalities/townships are identified below on the basis of the regions in which they are located.

Durham: Town of Newcastle, City of Oshawa, Town of Whitby, Township of Scugog, Township of Uxbridge and Town of Pickering

York: The Towns of Whitchurch-Stouffville, Richmond Hill, Aurora, Newmarket, Vaughan, East Gwillimbury and the Township of King

Peel: Town of Caledon

Two of the three regional governments, namely Peel and York, do not have approved official plans although drafts have been prepared and are in circulation. The Region of Durham, on the other hand, has an approved Official Plan, but this is currently under review.

Based on our review of these documents and discussions with the staffs of the regional governments and local municipalities we have reached several important conclusions which may have a direct bearing on the future viability of the Oak Ridges Moraine. These are discussed as follows.

Definition

A serious and fundamental shortcoming of most of the official plans examined, with the possible exception of the Durham Plan and Vaughan Plan, was the absence of either a geographic or comprehensive written definition for the Oak Ridges Moraine. This was cited as a major obstacle in the long term preservation of the Moraine, by a number of the staff personnel contacted.

One of the reasons that a precise geographic definition cannot be easily arrived at is that, in some areas, the slopes of the Moraine grade imperceptably into adjacent physiographic sub-regions rendering an accurate delineation difficult.

Another reason may relate to the sheer magnitude of the feature and the time, difficulty and costs involved in surveying its various components.

As previously noted, the Region of Durham Official Plan and the Town of Vaughan Plan outline the extent of the Oak Ridges Moraine in their various land use schedules. This facilitates the interpretation of policies contained in the text of the plans and in determining whether a particular development application encroaches into the Moraine.

The Region of York Draft Plan, on the other hand, contains the following written definition of the Moraine in its interpretation section:

"a complex, hummocky landscape of hills and lakes located in the mid-section of York region. The Moraine was formed by the action of glaciers depositing and mounding earthen material"

This definition does little to provide guidance in interpreting where the geographic boundaries of the Moraine are. In the case of York Region, however, a study of the Oak Ridges Moraine was undertaken in 1974 which geographically defined the feature and established a set of guidelines which came to form council policy. This policy appears to be applied inconsistently throughout the Region. In the Town of Vaughan, the environmental preservation policies of the Official Plan require that reference be made to the study when reviewing severance applications. In addition, the Oak Ridges Moraine is identified in one of the land use schedules.

Significantly, neither this policy nor reference to it have found their way into the draft regional plan.

In the Region of Peel, where the Moraine is least represented (it only affects the Town of Caledon and a small portion of Brampton) and overlaps the boundary of the Niagara Escarpment Plan, there is no reference whatsoever to the Oak Ridges Moraine either by name or geographic depiction.

It may be that those portions of the Moraine which lie outside the protection of the Niagara Escarpment Plan, are considered too small or not sufficiently distinct to warrant specific acknowledgement in the Plan.

Official Plan Designation/Policy

The lack of definition and inconsistent approach to defining the Oak Ridges Moraine by the various regional municipalities has manifested itself in terms of how the Moraine is designated and what policies apply. The following identifies the predominant designations of the Moraine at the regional level by region.

Durham: Oak Ridges Moraine Boundary, Major Open Space, Environmentally Sensitive Areas, Several Hamlets.

York: Forests and Wetlands, Agriculture, Urban Centre (Richmond Hill, Oak Ridges, Aurora), Rural Area (Stouffville).

Peel: Rural, Rural Estate Development Planning Area (Palgrave), Niagara Escarpment Plan (west end), several designated settlement areas, one sanitary landfill site.

The designations at the local municipal level can be even more varied and diverse. For instance, in the Town of Richmond Hill, the Oak Ridges Moraine traverses the top half of the Municipality.

The designations of the Moraine which are not already within the developed urban limits include: Rural, Urban Fringe, Major Open Space, Hazard Lands (correspond to river valleys), Aggregrate Resource Extraction Area, and Hamlet. Within the urban area the designations include: Residential, Industrial and a variety of commercial designations.

The Official Plan designations for the Moraine in other lower tier municipalities, outside developed cities are, for the most part, similar.

The agricultural, major open space and aggregate resource extraction designations are generally common throughout the Moraine. Interspersed throughout the Moraine are settlement areas (hamlets), environmentally sensitive areas, and hazard lands.

Notwithstanding the general similarity of designations across the extent of the Moraine, the policies which apply are not consistent. In Durham Region there appears to be a higher level of consciousness in terms of the importance of the Moraine and more policies directed specifically at its protection and enhancement, particularly in the recommended modifications to the Plan stemming from its current review. For example, policies such as the following serve to focus attention and effort to the preservation of the Moraine.

"Regional Council shall develop comprehensive implementation strategies for components of the Major Open Space System such as Waterfronts or The Oak Ridges Moraine. In addition, Regional Council shall encourage area municipalities to undertake detailed studies and to incorporate provisions in local official plans for the Major Open Space System."

In the Region of York, policies are, for the most part general, thereby leaving much of the interpretation to the local municipalities. Others are clearly intended to permit encroachment into designations which may encompass parts of the Moraine.

For example, policy #7 in the Agricultural Priority areas states, "it is recognized that the growth of Urban and Rural Centres may require expansion into Agricultural Priority Areas. It is Council Policy that such adjustments are necessary to legitimate land use needs and are acceptable...." Clearly, such a policy would do little for the long term preservation of the Moraine if, in that particular area, it happened to have an Agricultural Priority Area designation.

A number of policies are open ended and subjective in terms of the conditions which must be met before a particular land use may be permitted.

For example, in the Forest and Wetlands Priority Areas, policy #6 states that additional uses are permitted provided the proponents demonstrate:

- minimal impact on visual-open space impacts of the landscape
- minimal impact on natural environmental functions

These criteria are very general and depending on the municipality, compliance may be achieved in several ways with no guarantees that the integrity of the Moraine will be maintained.

Another policy which, in our estimation, appears to specifically run counter to the objective of preserving the Moraine in its natural state, relates to the locational criteria for Rural Residential Subdivisions. The policy directs these developments to "locations that have undulating scenic topography and forested areas", among others. In most cases, the Oak Ridges Moraine would satisfy this requirement.

In the Region of Peel Draft Plan, the Oak Ridges Moraine, is not identified, even though it overlaps the boundary of the Niagara Escarpment at its western end. The Long-Term Land Use Plan designates the Moraine primarily as Rural Lands and Rural Estate Development Policy Area.

It is apparent from the foregoing that the treatment of the Oak Ridges Moraine at the regional level is not consistent. Within such a framework, and in in the absence of strong and clearly defined objectives and an implementing strategy, which override regional and local interests, the preservation/conservation of the Moraine will be difficult to realize. The issue, however, is much more complex than this. The political will at the local municipal level is often a major and determining factor in establishing the way in which the Oak Ridges Moraine will be treated.

Approach: Cumulative vs. Site Specific

Through our discussions with the staff at all three levels of the planning process within the Greater Toronto Area, we have concluded that the existing planning structure may be inadequate to deal with the long term protection of the Oak Ridges Moraine. Under present circumstances, it would appear that each of the three levels of government view the Moraine differently.

The province (not all ministries), for example, views the Oak Ridges Moraine on a macro scale, as a physiological and ecological entity within the G.T.A. Increasingly, development/redevelopment is considered in terms of its cumulative effects on the Moraine rather than on a site-specific basis.

At the regional level, there is some awareness and acknowledgement of the cumulative effects of development on the long term viability of the Moraine; however, since the Moraine extends beyond the regional boundary, the level of awareness tends to be confined to that particular jurisdiction.

Through its policies, a region is able to exert some control over the number and types of developments taking place within the Moraine. In order to get a consistent approach to the preservation of the Moraine throughout its entirety, all three regions must have similar objectives and policies and have a common understanding of what the Moraine is.

At present, this is clearly not the case, with the result that what may be an acceptable level of development in one region is unacceptable in another.

At the local level, where much of the day to day planning takes place, there is little opportunity to assess the cumulative affects of a site specific application on the Oak Ridges Moraine. We have noted that although some local municipalities feel that they are successful in safeguarding the various features of the Moraine, the reality is that they may not be. Because there are so many different elements within the Moraine, and they are closely interrelated, a modification to one, as the result of some form of development, may detrimentally affect others which may be located elsewhere.

Although regional councils are able to exert some influence over the type of development that is approved in a municipality, it is the local council, in the final analysis, that must have the political will to protect the Moraine since they are often the front line in the development process.

A recurring concern expressed by a number of staff, is the impact of Ontario Municipal Board decisions. It is the view of these individuals that Board decisions do not place sufficient emphasis on the cumulative effects of granting approvals. The approach of the Board is to usually consider individual applications on their own merits.

A recent decision of the Board (O 890106), serves to highlight this issue and several others pertaining to the different treatment of development applications within the Moraine, by different municipalities. This particular OMB decision involved a request for referral, by the Township of King, of an Official Plan Amendment enacted by the Town of Newmarket (copy attached).

Additional Considerations

Several staff members contacted, have commented that there appears to be no administrative structure in place which establishes where the ultimate jurisdiction for the protection of the Moraine lies and what the specific goals and objective are. It appears to be their view, that unless such direction is provided, individual municipalities will continue to deal with applications falling within the Moraine in an ad hoc manner.

It would appear, based on our review of the matter, that a certain apathy exists about the Moraine in certain municipalities where development pressures are greatest. This may result from the fact that in these growth areas other issues such as the provision of hard and soft services and transportation take precedence over the protection of the Moraine, a feature which is neither clearly defined nor for which strong policies exist.

Under these circumstances, municipalities such as the Town of Richmond Hill, which are subject to enormous pressure to develop their vacant land resources and where much of the land is, or can be readily serviced, may choose to disregard the Moraine or to interpret Official Plan policies in such a manner as to accomodate development.

In other municipalities such as The Township of King, where development pressure has not been as great particularly outside several growth nodes, and where services are limited, there may be a greater concern about preserving the natural character of the Moraine. This is evident from their recent request to refer an Official Plan Amendment adopted by the town of Newmarket, which intended to permit residential development in an area close to the King Township boundary and within the Oak Ridges Moraine.

To date, the areas of the Oak Ridges Moraine which have been most seriously disrupted, coincide with high growth urban centres close to Metropolitan Toronto which are serviced by both water mains and sanitary sewers and which are located along transportation corridors.

As previously noted, the Town of Richmond Hill is clearly one of these, as are the Towns of Aurora and Newmarket. All three are located within the Yonge St. corridor and all three are fully serviced. The predominant form of development taking place within the area of the Moraine is residential. In Richmond Hill, which is more of a regional node and less of a dormitory community than say Aurora, additional land uses and designations, such as commercial and limited industrial, are also found within the Moraine.

In Durham Region, where serviced land terminates outside the Oak Ridges Moraine, the extent of disruption has been considerably less.

Based on the foregoing, one effective method of assisting the preservation of the Oak Ridges Moraine is by limiting the amount of serviced land in the Moraine.

Comment on Future Trends

The future growth patterns within the Greater Toronto Area will be largely determined by availability of raw serviced land and an effective transportation network, both public and private.

The Greater Metropolitan Toronto Area is showing little sign of curtailment in population, industrial and office growth. In fact, in certain areas growth is expected to proceed at a brisk rate. One such area that we see as developing at an accelerated rate due to the availability of services and an improving transportation system, is the corridor extending northward from Metro along the Yonge St. spine and the east-west corridor between Steeles Ave. and Major Mackenzie Drive.

The increased accessibility to Metropolitan Toronto afforded by the network of regional roads, provincial highways, and Go Transit will bring with it increasing pressure to develop the intervening areas.

As previously noted, this is particularly evident in Richmond Hill, which is at the crossroads of these two corridors. Proximity to North York and the rest of Metropolitan Toronto, has fostered unprecedented development pressure for both residential and non-residential land uses. As Richmond Hill continues to grow and emerge as a significant node within the Region of York, the pressure to develop the surrounding hinterland is expected to increase as well.

Within the Oak Ridges Moraine, in the absence of clear direction from the Province and/or increased controls, the competing pressure for non-rural/non-recreational uses within the Moraine will prevail for economic reasons. This observation is borne out by the development map compiled by the Region of York which maps past and planned development growth in the Region over the past century. It is apparent that over the past twenty years much of the growth of the Region has occurred within these corridors and, in the areas of greatest growth, which coincide with the boundary of the Oak Ridges Moraine, little of the natural attributes of the Moraine remain.

The various ministries at the Provincial level should be careful to ensure that their independent actions are not mutually counter productive. For instance, the building of provincial highways or the extension of the Go System are inducements to growth and , in fact, require growth to justify use and the expenditure of public funds.. Where these traverse the Oak Ridges Moraine, it may be advisable to put forward accompanying regulations dealing with the matter of how potential development in the surrounding area should be addressed.

Final Comment

This exercise has served to demonstrate the serious shortcomings and divergent approaches in the manner in which development in the Oak Ridges Moraine is treated in Official Plans and other planning documents and in practice.

The information available differs by Region and by municipality rendering meaningful comparisons difficult. For this reason we have been able to provide only a general overview of some of the issues.

A comprehensive inventory and assessment of development applications in the Oak Ridges Moraine, will require a longer time frame, given the manner in which data is compiled and made available in different municipalities.

In this section, we wish to give a general overview of i) the status of the existing Official Plan documents, ii) whether of not the Oak Ridges Moraine is recognized within the existing official plan documents, iii) studies that have been undertaken with respect to the moraine, iv) availability of development information for the moraine, and v) in very general terms, is there pressure for development on the lands the lie within the boundaries (as shown on mapping supplied by the GTA) of the Oak Ridges Moraine.

Regional Municipality of Peel

The Region of Peel has recently prepared a Draft Official Plan. In reviewing this draft Plan, and from discussions with planners at the Regional office we have learned that the Draft Official Plan does not have provisions which are specific to the Oak Ridges Moraine, although it is noted in passing references. The Moraine does not appear on any of the Official Plan maps, therefore there are difficulties in determining its extent by regional standards.

The draft Official Plan policies if applied to there full extent could be used as an effective tool in controlling development within the Moraine. The existing policies are quite restrictive in the Region's mind and do provide adequate controls. This is difficult to determine though, because the Official Plan policies for any land use designation are the same for all lands whether they are inside or outside the moraine.

Within the Region of Peel the Oak Ridges Moraine lies almost entirely within the Town of Caledon, with a very few exceptions. Significant development pressures have been noted. As a result, the Town of Caledon is undertaking a review of its Official Plan policies with respect to development. It was felt by one of the Region's planners that, if changed, the land use designations would likely become more restrictive, but the results of the studies and review are not likely to be known until the Fall of 1990.

It should be noted that portions west end of the Moraine (the Moraine as defined in mapping provided by the GTA) fall within the lands defined in the Niagara Escarpment Plan, and are protected under the Plan.

Although development information is available for the Region there are a number of factors which make its gathering difficult. The Region does keep records of most development that occurs within its boundaries, (including: land division, OPA's etc.), but this information is not broken down geographically. Much of this information is in the form of written records that have not been mapped. Unfortunately due to time constraints for preparation of this study, we were unable to gather and plot this information to get a general idea of the existing development pressures. From discussions with various planners, it appears that there are development pressures upon the Moraine lands, particularly for residential estate developments, which in part, have led to the current Town of Caledon Official Plan Review.

It appears that development on the Moraine has been limited largely because of a lack of servicing. Some communities in the Region of Peel do have their own local sewage treatment plants. Development often focuses around these communities where sewage services are available, but development is again limited by the local system capacity. Most of the lands within the Moraine are not serviced. The development pressures come from rural settlements, severences and rural estate subdivisions which use septic systems.

Regional Municipality of York

As in the Region of Peel, the Region of York has a draft Official Plan only. After review of the draft Plan and discussions with regional planning staff, we have noted that there are no policies for the Oak Ridges Moraine. The Moraine does not appear on Official Plan mapping and is mentioned only in passing reference or very general open ended policies in the text of the document.

The lands which are part of the Oak Ridges Moraine are for the most part designated "Forest and Wetlands" and "Agricultural". The Moraine lands are primarily designated "Forest and Wetlands", which is not as restrictive a designation as "Agricultural". Under the "Forest and Wetland" designation development can occur providing there is no evidence of excessive impact upon the land. One regional planner believed that the designations with respect to the Moraine would likely not be approved as they appear in the draft Plan, but would rather be made more restrictive, due in part to growing "green" or "environmental" concerns. One reason for tougher more restrictive policies is the abuse of open ended policies that has occurred. Staff in the York Land Division Committee mentioned the amount of abuse that the Official Plan policies regarding severence of retirement lots for farmers has had. Under the present policies their Regional staff could do little other than approve such severence applications as they come in, even for non-farm land owners that severed off retirement lots and flipped them over for quick profits.

In 1974, the Region of York completed the "Oak Ridges Moraine Study" which was subsequently adopted as policy by the Regional Council in the fall of 1974, but in an Ontario Municipal Board Hearing, File O 890106, dated December 6,1989, the Oak Ridges Moraine Study was described as being 'regional policy without status'. The implication of this statement is, that although the study

has been adopted as regional policy it has not been adopted as part of any Official Plan at either the regional or area municipality level. Therefore, as explained in this Ontario Municipal Board decision, the study and its policies does not have any real status.

Development information for the Region of York is not readily available from the Regional Offices. The Region handles Land Division for only three of its nine area municipalities (Township of King, Town of East Gwillimbury, and the Town of Whitchurch-Stouffville) and this information has not been mapped. Information regarding development, whether it be with respect to land division, residential estate applications, Official Plan Amendments or Rezonings, is in general more easily obtained from the area municipalities, although this can prove to be a very time consuming endeavour, particularly in those municipalities which do not have computerized records. Although information is not readily available from the Region, a map entitled "Historical and Planned Development" for the Regional Municipality of York, is an excellent map, showing the extent of urban growth within the Region. It would appear from examining this map, that the policies regarding development on those lands within the Moraine have not been restrictive enough. There has been extensive development within the area municipalities, and this development has followed a very distinctive pattern with continuous growth along the Yonge Street spine and now expanding rapidly towards Highway #404. It would appear that this pressure for development is continuing, and in certain area municipalities the Moraine could easily reach a level of total development.

It should be noted that not all of the area municipalities within the Region of York are serviced by the York-Durham Sewer system. The Township of King, and the Town of Whitchurch-Stouffville are not serviced, and at present are experiencing less development pressure than the area municipalities in the Region of York that are serviced.

Regional Municipality of Durham

The Region Durham does have an existing Official Plan, but it is currently under review. We have obtained a copy of the Plan and the draft changes. The maps for the existing Durham Regional Plan and the proposed amendments do indicate the location and extent of the Oak Ridges Moraine. Although the Regional Plan recognizes the Moraine, the policies regarding it are general and open ended. The primary designations under the existing Official Plan and recommendations in the review are major open space, environmentally sensitive areas, and hamlets. These designations and the associated policies are not limited to the area bounded by the Moraine, and are the same regardless of geographic location. Although the Region of Durham appears to be better equiped to deal with development, significant pressures are being brought to bear particularly with respect to land divisions, and aggregate extraction. A number of Official Plan Amendments are the result of applications made to expand upon existing aggregate extraction sites.

The single most significant study with regards to the Oak Ridges Moraine was conducted by the EAAC (Environmental Assessment Advisory Committee) with respect to the Oak Ridges Moraine and the Ganaraska Headwaters. This study presented a number of recommendations and options. One of the most extreme options suggested was the creation of a plan for the Oak Ridges Moraine similar to that of the Niagara Escarpment Plan. Reports regarding the Oak Ridges Moraine and the Ganaraska Headwaters have also been prepared for the Ministry of Transport, with respect to the proposed route of Highway #407 through the eastern portion of the Region of Durham.

As mentioned earlier, there is significant development pressure upon rural lands in the Region. The extent of these pressures is not as great as that being experienced by the Region of York, but it is substantial none the less. Durham has available a series of maps showing land division back as far as 1985 (copies are available). They have also mapped (copies not available) the location of Subdivision Applications and Official Plan Amendment Applications that are processed through the area municipalities back as far as 1986. The information for this map comes from computer printouts of the Region's records, which list subdivision and O.P.A. applications that have been approved, denied, or are still awaiting a decision. Unfortunately the computer lists do not break down the location of applications geographically. With a great deal of help from Regional staff the following information was recorded from the lists. From the computer lists, we estimate that there have been 24 subdivision and 15 O.P.A. applications (3 of the O.P.A. applications correspond with 3 of the subdivision applications) for lands within the Moraine, since February 1987. Although not significant by urban standards, these figures would seem to reflect substantial pressure for lands designated major open space, environmentally sensitive and Hamlet. The number and magnitude for similar applications in the Region of York is greater still, reflecting even greater pressure there. Like the Region of York, not all of the Region of Durham is serviced including lands within the Oak Ridges Moraine. It is apparent that most of the development pressure is focused in an around the serviced urban areas. Development pressures on the Moraine are primarily from Rural Estate Subdivisions and O.P.A. applications for new or expanded aggregate extraction sites.

Area Municipalities

The following is a point form description of the available planning documents available from the area municipalities in the Regions of Peel, York, and Durham through which the Oak Ridges Moraine passes. Also noted is the availability of development information for each of these municipalities.

The questions that will be answered for each area municipality are as follows:

i) Do we possess a copy of the existing Zoning By-law?
ii) Is there a definition, or reference to, or policies for, the Oak Ridges Moraine within the text of the by-law?
iii) Is the Oak Ridges Moraine defined within the Zoning By-law mapping?
iv) Do we possess any studies or other significant reports regarding the Moraine?
v) Do we possess a copy of the existing Official Plan?
vi) Is there a definition, or reference to, or policies for, the Oak Ridges Moraine within the text of the Official Plan?
vii) Is the Oak Ridges Moraine defined within the Official Plan Mapping?
viii) Is there information available with regards to development of lands within the Moraine?
ix) Does there appear to be significant pressure for development on these lands?
x) Do the existing land use policies appear to be adequate as development controls if the desire is to protect the Oak Ridges Moraine from development?

Town of Caledon (Peel)

i) Yes we have a copy of the existing Zoning By-law.

ii) There is no reference to the Oak Ridges Moraine within the zoning provisions.

iii) The Moraine does not appear on zoning maps.

iv) There have been several studies completed with regards to policies for Rural Estate Development and Rural Settlements. The most notable is the study that resulted in an O.P.A. for the Palgrave Estate Residential Policy Area. Although these studies did not deal specifically with development in the Moraine, they do in effect serve to set policies for it.

v) Yes we do possess a copy of the existing Official Plan.

vi) We were unable to find any reference to the Oak Ridges Moraine within the Official Plan. Policies such as those found within the Palgrave Estate Residential Policy Area are relied upon to govern development in areas such as the moraine.

vii) The Oak Ridges Moraine does not appear on the Official Plan Maps.

viii) Information is available with regards to development within the Moraine, but it is not broken down geographically. It would not be a simple task to record and evaluate development within the moraine and would likely require numerous man-hours if any degree of accuracy was desired.

ix) Caledon is experiencing pressure for development particularly in the form of rural estates.

x) Depending upon the level of development one considers to be negative, the policies may or may not be effective. If rural estate subdivisions, rural settlements and single lot severences are to be considered an acceptable form of development on the Oak Ridges Moraine then it would appear that the existing development controls are adequate.

Town of Richmond Hill (York)

i) Yes, we have a copy of the existing Zoning By-law.

ii) There is no reference to the Oak Ridges Moraine within the zoning provisions.

iii) The Moraine does not appear on zoning maps.

iv) There have been several studies completed with regards to policies for Rural Estate Development and Rural Settlements.

v) Yes, we do possess a copy of the existing Official Plan.

vi) There is passing reference to the Oak Ridges Moraine within the text but there are no policies specifically for the moraine. Even general policies referencing the Moraine are often open ended and open to interpretation.

vii) The Oak Ridges Moraine does not appear on the Official Plan Maps.

viii) Information is available with regards to development within the Moraine, but it is not broken down geographically. It would not be a simple task to record and evaluate development within the Moraine and would likely require numerous man-hours if any degree of accuracy was desired.

ix) Of all the area municipalities reviewed, it is apparent that Richmond Hill is experiencing the greatest pressure for development. Pressure for development is no less for lands within the Moraine. Most of the lands along the Yonge Street spine are either currently developed or are planned for development. From mapping supplied by the Region of York, it is apparent the if the pattern of development continues the lands along the Yonge Street spine and east to Highway #404 will be developed.

x) Given the pressures for development and the resultant pattern of growth in Richmond Hill it would appear that the existing development controls are not adequate enough to control urban development within the Town. If the conservation or preservation of lands within the Oak Ridges Moraine is or becomes a priority then these lands must be defined and specific policies put in place.

Town of Vaughan (York)

i) Yes we have a copy of the existing Zoning By-law.

ii) There is no reference to the Oak Ridges Moraine within the zoning provisions.

iii) The Moraine does not appear on zoning maps.

iv) There have been several studies completed with regards to policies for Rural Estate Development and Rural Settlements.

v) Yes we do possess a copy of the existing Official Plan.

vi) In Official Plan Amendment No. 94, there are specific policies for the Oak Ridges Moraine.

vii) The Oak Ridges Moraine does appear on the Official Plan Maps (O.P.A. No.94)

viii) Information is available, in the form of computer generated lists, with regards to development within the Moraine, but it is not broken down geographically. It would not be a simple task to record and evaluate development within the Moraine and would likely require numerous man-hours if any degree of accuracy was desired.

ix) Vaughan is experiencing pressure for development particularly in the form of rural estates.

x) Depending upon the level of development one considers to be negative, the policies may or may not be effective. If rural estate subdivisions, rural settlements and single lot severences are to be considered an acceptable form of development on the Oak Ridges Moraine, then it would appear that the existing development controls are adequate.

Township of King (York)

i) Yes we have a copy of the existing Zoning By-law.

ii) There is no reference to the Oak Ridges Moraine within the zoning provisions.

iii) The Moraine does not appear on zoning maps.

iv) A study of the Oak Ridges Moraine was completed as part of Planning Report #P-89-13, the "Background Study for the Rural Area Review of the Township of King Official Plan".

v) Yes we do possess a copy of the existing Official Plan.

vi) There is passing reference to the Oak Ridges Moraine within the text but there are no policies specifically for the Moraine. General policies referencing the Moraine are often open ended and open to interpretation.

vii) The Oak Ridges Moraine does not appear on the Official Plan Maps.

viii) Information is available with regards to development within the Moraine, but it is not broken down geographically. It would not be a simple task to record and evaluate development within the Moraine and would likely require numerous man-hours if any degree of accuracy was desired.

ix) The Township of King is experiencing development pressure, but it is a relatively small order when compared to Richmond Hill or Vaughan. A large part of the reason that the Township is not receiving the same pressure is because they are not part the York-Durham sanitary sewer system. Without servicing most lands that are developed must be able to safely provide their own water and septic systems. This imposes limits on the extent of development. The Township of King is primarily agricultural in nature and the information available indicates that this remains a goal. The greatest pressure for development is in the Township's eastern lands which abut the rapidly developing Towns of Vaughan, Aurora and Newmarket.

x) The existing policies in the Township of King do appear to be quite successful in controlling the amount of development. Although the policies appear to be effective, it appears that there are two other factors which bolster the policies that control development. The first factor is the existence of a will to maintain the rural nature of the Township. The second factor is the lack of municipal servicing within the Township which would readily facilitate development. If either of these factors changes in the future, pressures to develop are likely to increase significantly.

Town of Aurora (York)

i) Yes we have a copy of the existing Zoning By-law.

ii) There is no reference to the Oak Ridges Moraine within the zoning provisions.

iii) The Moraine does not appear on zoning maps.

iv) There have been several studies completed with regards to policies for Rural Estate Development and Rural Settlements.

v) Yes we do possess a copy of the existing Official Plan.

vi) There is passing reference to the Oak Ridges Moraine within the text but even general policies referencing the moraine are often open ended and open to interpretation.

vii) The Oak Ridge Moraine does not appear on the Official Plan Maps. A Map of the Town of Aurora 'Estate Residential Guidelines' does indicate the Oak Ridges Moraine.

viii) Information is available with regards to development within the Moraine, but it is not broken down geographically. It would not be a simple task to record and evaluate development within the Moraine and would likely require numerous man-hours if any degree of accuracy was desired.

ix) Development pressures are significant in the Town of Aurora. Based upon mapping supplied by the GTA, a significant portion of the Town is within the Oak Ridges Moraine. As in the Town of Richmond Hill, the pattern of development in the Town of Aurora is along the Yonge Street spine and east to Highway #404.

x) The existing development policies within the Town appear not to be sufficient to deal with the pressures for development. The availability of easily serviced land and located between two important north-south traffic corridors, creates a situation of land that is prime for development. If one wishes to preserve the remaining Oak Ridges Moraine lands that have not been developed, specific boundaries and policies would have to be introduced.

Town of Newmarket (York)

i) Yes we have a copy of the existing Zoning By-law.

ii) There is no reference to the Oak Ridges Moraine within the zoning provisions.

iii) The Moraine does not appear on zoning maps.

iv) In 1989 the Ontario Municipal Board heard a case with regards to lands in the predominantly urban Town of Newmarket which abut lands in the predominantly rural Township of King. King Township was concerned over the precedent this development would set so close to Township lands. There was lengthy discussions as to whether or not these lands were within the Oak Ridges Moraine. The Oak Ridges Moraine Study prepared by the Region of York in 1974 indicates that the proposed lands fall within the Moraine. Although these policies were adopted by the Regional Council in 1974, they have never been incorporated into any Official Plan documents and, therefore, were not given any status.

v) Yes we do possess a copy of the existing Official Plan.

vi) There is no reference to the Oak Ridges Moraine in the Town's Official Plan. Even though the mapping supplied by the GTA indicates that the Moraine does occupy a small area of the Town, discussions with the planning staff indicated that they do not believe the Moraine is within Town boundaries.

vii) The Oak Ridges Moraine does <u>not</u> appear on the Official Plan Maps.

viii) Information is available with regards to development, but it is not broken down geographically. It would not be a simple task to record and evaluate development within the Moraine and would likely require numerous man-hours if any degree of accuracy was desired.

ix) It is a matter of some debate as to whether or not the Oak Ridges Moraine even enters the Town of Newmarket. The small portion of Moraine lands that do enter the Town according to mapping provided would appear to be under development pressure, as evidenced by the noted Ontario Municipal Board hearing in 1989.

x) Policies regarding development within the Moraine do not exist. The Town is facing significant development pressures and appears willing to allow development to occur in what some might consider environmentally sensitive areas. The Town would require direction to acknowledge the existence of the moraine (if such exists) within the Town boundaries before any policies could be implemented to restrict development on Moraine lands.

Town of East Gwillimbury (York)

i) No we do not have a copy of the existing Zoning By-law. The Town did not release copies to us.
ii) Through discussions with Town staff we have been made aware that there are no specific zoning categories for lands within the moraine.
iii) The Moraine does not appear on zoning maps.
iv) We are not aware of any studies that would affect lands within the Moraine.
v) No we do not possess a copy of the existing Official Plan.
vi) We were informed in discussions that there may be passing references to the Oak Ridges Moraine within the text, but there are no specific policies for the Moraine.
vii) The Oak Ridges Moraine does not appear on the Official Plan Maps.
viii) Information is available with regards to development within the Moraine, but it is not broken down geographically. Another problem with development information is the fact that the Region handles land divisions, and these records are not mapped and in some cases may be very difficult to locate. It would not be a simple task to record and evaluate development within the Moraine and would likely require numerous man-hours if any degree of accuracy was desired.
ix) East Gwillimbury is experiencing some pressure for development, but it is difficult to assess how much because of limited access to information and a lack of computer facilities.

x) Depending upon the level of development one considers to be negative, the policies may or may not be effective. If rural estate subdivisions, rural settlements and single lot severences are to be considered an acceptable form of development on the Oak Ridges Moraine, then it would appear that the existing development controls are adequate.

Town of Whitchurh-Stouffville (York)

i) Yes we do have a copy of the existing Zoning By-law.
ii) There is no reference to the Oak Ridges Moraine within the zoning provisions.
iii) The Moraine does not appear on zoning maps.
iv) We are not aware of any studies that would affect lands within the Moraine.
v) No we do not possess a copy of the existing Official Plan. Town staff refused to release a copy to us.
vi) We were informed in discussions that there may be passing references to the Oak Ridges Moraine within the text, but there are no specific policies for the Moraine.
vii) The Oak Ridges Moraine does not appear on the Official Plan Maps.
viii) Information is available with regards to development within the Moraine, but it is not broken down geographically. Another problem with development information is the fact that the Region handles land division within the Moraine, and these records are not mapped and in some cases may be very difficult to locate. It would not be a simple task to record and evaluate development within the Moraine and would likely require numerous man-hours if any degree of accuracy was desired.
ix) Whitchurch-Stouffville is experiencing pressure for development, but it is limited because similarly to the Township of King it is not connected to the York-Durham sanitary sewer system.

x) Depending upon the level of development one considers to be negative, the policies may or may not be effective. If rural estate subdivisions, rural settlements and single lot severences are to be considered an acceptable form of development on the Oak Ridges Moraine, then it would appear that the existing development controls are adequate.

Town of Newcastle (Durham)

i) We have access to a copy of the existing Zoning By-law, but we were unable to obtain a copy from the Town because they were out of print.

ii) From discussions with planning staff we learned that there may be passing reference to the Oak Ridges Moraine within the zoning provisions but there are no specific zoning categories for lands within the Moraine.

iii) To our knowledge the Moraine does not appear on zoning maps.

iv) There are several studies that we are aware of (but have not yet received copies of) that do impact the Oak Ridges Moraine. The first study was conducted by the EAAC (Environmental Assessment Advisory Committee) with regards to the Oak Ridges Moraine and the Ganaraska Headwaters. The recommendations and options presented by this study were varied and far reaching. Perhaps the most radical option was the suggestion that a Plan be set up to preserve the Oak Ridges Moraine similar to the Niagara Escarpment Plan. The second set of studies have been undertaken by the Ministry of Transport, to determine the effects that the east leg of Highway #407 will have where it passes through the Moraine in close proximity to the Ganaraska headwaters. Discussions with Ministry staff indicate that they do not believe they will be affecting the Moraine because a visual survey indicates the hills and hummocks that define the Moraine are further north.

v) We do have access to a copy of the existing Official Plan, but we were unable to obtain one because they were out of print.

vi) There may be passing reference to the Oak Ridges Moraine within the text, but there are no policies specifically for the Moraine. The Official Plans of the Area Municipalities tend to mirror the Regional Official Plan. Where there are differences in the two Plans, the Regional Plan prevails. This has one drawback in that the Area Municipalities tend to rely upon the Regional Plan and may not enact necessary policies on their own.

vii) The Oak Ridges Moraine does not appear on the Town's Official Plan Maps.

viii) Information is available with regards to development within the Moraine, but it is not broken down geographically. It would not be a simple task to record and evaluate development within the moraine and would likely require numerous man-hours if any degree of accuracy was desired.

ix) Newcastle is experiencing pressure for development. Most of the pressure is in and around the serviced urban areas. Servicing does not extend as far north as the Oak Ridges Moraine, therefore, pressures have not been as great as for some of the Area Municipalities in the Region of York.

x) Depending upon the level of development one considers to be negative, the policies may or may not be effective. If rural estate subdivisions, rural settlements and single lot severences are to be considered an acceptable form of development on the Oak Ridges Moraine, then it would appear that the existing development controls are adequate.

<u>City of Oshawa (Durham)</u>

i) Yes we have obtained a copy of the existing Zoning By-law.

ii) There is no reference to the Oak Ridges Moraine within the zoning provisions.

iii) The Moraine does not appear on zoning maps.

iv) We are not aware of any significant studies affecting the Oak Ridges Moraine.

v) Yes we do possess a copy of the existing Official Plan.

vi) There are specific policies with regard to the Oak Ridges Moraine within the text. The Official Plans of the Area Municipalities tend to mirror the Regional Official Plan. Where there are differences in the two Plans, the Regional Plan prevails. This has one drawback in that the Area Municipalities tend to rely upon the Regional Plan and may not enact necessary policies on their own.

vii) The Oak Ridges Moraine does not appear on the Town's Official Plan Maps.

viii) Information is available with regards to development within the Moraine, but it is not broken down geographically. It would not be a simple task to record and evaluate development within the Moraine and would likely require numerous man-hours if any degree of accuracy was desired.

ix) Oshawa is experiencing pressure for development. Most of the pressure is in and around the serviced urban areas. Servicing does not extend as far north as the Oak Ridges Moraine therefore pressures have not been as great as for some of the Area Municipalities in the Region of York.

x) Depending upon the level of development one considers to be negative, the policies may or may not be effective. If rural estate subdivisions, rural settlements and single lot severences are to be considered an acceptable form of development on the Oak Ridges Moraine then it would appear that the existing development controls are adequate.

<u>Town of Whitby (Durham)</u>

i) Yes we have a copy of the existing Zoning By-law.

ii) There is no reference to the Oak Ridges Moraine within the zoning provisions.

iii) The Moraine does not appear on zoning maps.

iv) We are not aware of any studies significantly affecting the Moraine.

v) Yes we do possess a copy of the existing Official Plan.

vi) There may be passing reference to the Oak Ridges Moraine within the text, but there are no policies specifically for the moraine. The Official Plans of the Area Municipalities tend to mirror the Regional Official Plan. Where there are differences in the two Plans, the Regional Plan prevails. This has one drawback in that the Area Municipalities tend to rely upon the Regional Plan and may not enact necessary policies on their own.

vii) The Oak Ridges Moraine does not appear on the Towns Official Plan Maps.

viii) Information is available with regards to development within the Moraine, but it is not broken down geographically. It would not be a simple task to record and evaluate development within the moraine and would likely require numerous man-hours if any degree of accuracy was desired.

ix) Whitby is experiencing pressure for development. Most of the pressure is in and around the serviced urban areas. Servicing does not extend as far north as the Oak Ridges Moraine, therefore, pressures have not been as great as for some of the Area Municipalities in the Region of York.

x) Depending upon the level of development one considers to be negative, the policies may or may not be effective. If rural estate subdivisions, rural settlements and single lot severences are to be considered an acceptable form of development on the Oak Ridges Moraine, then it would appear that the existing development controls are adequate.

<u>Town of Pickering (Durham)</u>

i) Yes we have a copy of the existing Zoning By-law.

ii) There is no reference to the Oak Ridges Moraine within the zoning provisions.

iii) The Moraine does not appear on zoning maps.

iv) We are not aware of any significant studies affecting lands within the Moraine.

v) Yes we do possess a copy of the existing Official Plan.

vi) There may be passing reference to the Oak Ridges Moraine within the text, but there are no policies specifically for the Moraine. The Official Plans of the Area Municipalities tends to mirror the Regional Official Plan. Where there are differences in the two Plans, the Regional Plan prevails. This has one drawback in that the Area Municipalities tend to rely upon the Regional Plan and may not enact necessary policies on their own.

vii) The Oak Ridges Moraine does not appear on the Town's Official Plan Maps.

viii) Information is available with regards to development within the Moraine, but it is not broken down geographically. It would not be a simple task to record and evaluate development within the Moraine and would likely require numerous man-hours if any degree of accuracy was desired.

ix) Pickering is experiencing pressure for development. Most of the pressure is in and around the serviced urban areas. Much of the land area within the Pickering Town borders is not controlled by the Town. The Provincial Government controls the lands the make up the proposed Seaton Community, and the Federal Government controls the lands of the proposed Airport in the north west section of Pickering. The agricultural lands north of the Town of Whitby are experiencing development pressure close to the urban centres but it is not significant at this point in time. Most of the development is in the form of rural residential uses.

x) Depending upon the level of development one considers to be negative, the policies may or may not be effective. If rural estate subdivisions, rural settlements and single lot severences are to be considered an acceptable form of development on the Oak Ridges Moraine, then it would appear that the existing development controls are adequate.

<u>Township of Scugog (Durham)</u>

i) Yes we have a copy of the existing Zoning By-law.

ii) There is no reference to the Oak Ridges Moraine within the zoning provisions.

iii) The Moraine does not appear on zoning maps.

iv) We are not aware of any studies significantly affecting lands within the moraine.

v) Yes we do possess a copy of the existing Official Plan.

vi) There may be passing reference to the Oak Ridges Moraine within the text but there are no policies specifically for the moraine. The Official Plans of the Area Municipalities tends to mirror the Regional Official Plan. Where there are differences in the two Plans, the Regional Plan prevails. This has one drawback in that the Area Municipalities tend to rely upon the Regional Plan and may not enact necessary policies on their own.

vii) The Oak Ridges Moraine does not appear on the Townships Official Plan Maps.

viii) Information is available with regards to development within the Moraine, but it is not broken down geographically. It is also not computerized and therefore it would not be a simple task to record and evaluate development within the Moraine and would likely require numerous man-hours if any degree of accuracy was desired.

ix) Scugog is experiencing some pressure for development although Township staff did not seem to feel that pressure was significant. Port Perry is the only area serviced by the York-Durham sewer system. Lands outside of Port Perry are not serviced including the lands within the moraine.

x) Depending upon the level of development one considers to be negative, the policies may or may not be effective. If rural estate subdivisions, rural settlements and single lot severences are to be considered an acceptable form of development on the Oak Ridges Moraine, then it would appear that the existing development controls are adequate.

Township of Uxbridge (Durham)

i) Yes we have a copy of the existing Zoning By-law.

ii) There is no reference to the Oak Ridges Moraine within the zoning provisions.

iii) The Moraine does not appear on zoning maps.

iv)We are not aware of any studies significantly affecting lands within the Moraine.

v) No we do not possess a copy of the existing Official Plan.

vi) The Township Official Plan covers only the urban areas and hamlets. In rural areas the Township refers to the regional Plan. Where there are differences in the two Plans, the Regional Plan prevails. This has one drawback in that the Area Municipalities tend to rely upon the Regional Plan and may not enact necessary policies on their own.

vii) The Oak Ridges Moraine does not appear on the Towns Official Plan Maps.

viii) Information is available with regards to development within the Moraine, but it is not broken down geographically. It would not be a simple task to record and evaluate development within the moraine and would likely require numerous man-hours if any degree of accuracy was desired.

ix) Uxbridge is experiencing pressure for development although this is difficult to assess because, aside from computer records kept at the region, information is in the form of files and may not be readily available from the Town. Development in Uxbridge is limited by the fact that they are not connected to the York-Durham sewer system. The Town of Uxbridge itself is the only area with full municipal servicing provided by a local sewage treatment plant.

x) Depending upon the level of development one considers to be negative, the policies may or may not be effective. If rural estate subdivisions, rural settlements and single lot severences are to be considered an acceptable form of development on the Oak Ridges Moraine, then it would appear that the existing development controls are adequate.